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8	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2013-770
12	
13	SALLY CHAPMAN HAYES 410 Appalossa Way
14	Fernley, NV 89408 A C C U S A T I O N
15	6560 Pyramid Way, Spc 41 Sparks, NV 89436-9650
16	Registered Nurse License No. 432811
17	Respondent.
18	
19	Complainant alleges:
20	<u>PARTIES</u>
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23	Consumer Affairs.
24	2. On or about September 30, 1988, the Board of Registered Nursing issued Registered
25	Nurse License Number 432811 to Sally Chapman Hayes (Respondent). The Registered Nurse
26	License expired on October 31, 2005, and has not been renewed.
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in relevant part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in relevant part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states, in relevant part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

8. Section 125.3 of the Code provides, in relevant part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE (Unprofessional Conduct-Out of State Discipline) (Bus. & Prof Code § 2761, subd. (a)(4))

- 9. Respondent has subjected her Registered Nursing License to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about May 22, 2008, in a disciplinary action before the State of Nevada, Board of Nursing (Nevada Board), in a case entitled In the Matter of Sally Hayes Licensed Professional Nurse License No. RN 18528, the Nevada Board accepted and approved Respondent's written "Voluntary Surrender of License in Lieu of Other Disciplinary Action." Through this document, Respondent surrendered her Nevada Nursing License. The voluntary surrender is a disciplinary action by the Nevada Board. In this document, Respondent admits that she is "addicted to controlled substances and/or alcohol."
- 10. The Nevada Board had disciplined Respondent several years before Respondent's 2008 surrender. Specifically, on or about March 3, 1994, Respondent's license to practice professional Nursing in Nevada was revoked, the revocation was stayed, and the license was placed on probation for a minimum of five years by the Nevada Board.

SECOND CAUSE FOR DISCIPLINE (Unprofessional Conduct-Out of State Discipline) (Bus. & Prof Code § 2761, subd. (a)(4))

11. Respondent has subjected her Registered Nursing License to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about July 12, 1995, the Board of Nurse Examiners for the State of Texas (Texas Board) adopted an Agreed Order that was signed by Respondent on June 22, 1995. In the Agreed Order, the Texas Board agreed to remove

Respondent's license from delinquent status, and reactivate the license with the sanction of stipulations on her nursing practice.

- 12. The reason for placing the stipulations on Respondent's re-activated license was due to her violation of the Texas Nursing Act. Specifically, Respondent violated the Texas Nursing Act when her Nevada Nursing license was disciplined by the Nevada Board in March of 1994. Specifically, on or about March 3, 1994, Respondent's license to practice professional Nursing in Nevada was revoked, the revocation was stayed, and the license was placed on probation for a minimum of five years by the State of Nevada, Board of Nursing.
- 13. As part of the agreed upon order in Texas, Respondent agreed to comply with nine conditions in exchange for the re-activation of her Texas nursing license. These conditions included that Respondent would abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. Respondent also agreed to submit to random periodic screens for controlled substances and alcohol.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 432811, issued to Sally Chapman Hayes;
- 2. Ordering Sally Chapman Hayes to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: March 14, 2013

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

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